

The Upper Mississippi River Basin Association – an entity that is funded by federal and state taxes – is knowingly and deliberately excluding people of color living in the Mississippi River floodplain areas from participating in the development of programs, projects and policies related to flooding along the Mississippi River. When I raised these racial equity issues to the Association, staff responded with openly racist remarks and angrily told me to stop complaining about it. As a federally funded organization, their actions as an organization, including the official actions of their staff and Board members, should be held accountable to the standards set by the Civil Rights Act of 1964 that prohibits discrimination by programs and activities that receive federal funds.

Evidence:

The Upper Mississippi River Basin Association is a publicly funded entity that represents the Governors of Illinois, Iowa, Missouri, Minnesota, and Wisconsin. Its board is made up exclusively of state agency staff.¹ Over the last year, the Association has received over \$158,000 in federal grants and contracts from the US Army Corps of Engineers and US Environmental Protection Agency. They have also received \$395,000 in dues and contracts from the five Upper Mississippi River Basin States (Illinois, Iowa, Missouri, Minnesota, and Wisconsin).²

In Summer 2019, the UMRBA initiated a study, called “Keys to the River” to evaluate flood risk, sedimentation, and drought issues along the Upper Mississippi River. The purpose statement for Keys to the River Report:

“Through UMRBA, the Governors’ joint interstate collaborative, the states of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are bringing together those who live and work in the floodplain to improve disaster preparedness, economic growth and resilience, and ecological health. The purposes being to a) increase the economic, ecological, and social resilience of the Upper Mississippi River to major flood events, prolonged drought, and excessive sediment; and b) foster dynamic, balanced, objective, and adaptive approaches to flood, drought, and sediment management in a multi-purpose management context.”

The study was instigated after decades of inaction by the state and federal governments to develop an integrated water management plan despite continuing flood-related challenges since the 1993 Flood. In April 2019, American Rivers was joined by National Wildlife Federation, Prairie Rivers Network, Sierra Club, Great Lakes Habitat Alliance, Natural Resources Defense Council, and Missouri Coalition for the Environment, asking federal and state agencies to initiate an inclusive flood risk management study that incorporated the needs of all the communities along the Mississippi River.³ This request was sent to UMRBA Board Members in Illinois, Iowa and Missouri.

In Summer 2019, UMRBA launched a series of stakeholder meetings for the Keys to the River Report, myself and partners at the Sierra Club and Prairie Rivers Network noticed that meetings were attended almost exclusively by white people. These organizations and I raised concerns to UMRBA that they were not engaging the known Black, Latinx and Hmong communities along the Mississippi River who are especially struggling with flood-related problems. When I raised

¹ <https://umrba.org/group/umrba-board>

² https://umrba.org/sites/default/files/attachments/umrba5-25-2021packet_o.pdf

³ https://www.americanrivers.org/wp-content/uploads/2019/04/MER-Report-2019_Full-Layout_FNL1.pdf

the issue to [b] (6) Privacy, (b) (7)(C) Endangered Species Executive Director of the UMRBA, she responded that “those people aren’t our constituents.”

As the study progressed, I continued to raise the issue, along with my regional partners in the environmental sector. In April 2020, American Rivers and partners again called on the UMRBA states to include vulnerable communities as part of their Keys to the River study. This time much more explicitly.⁴ Our comments were completely ignored.

When the Draft Keys to the River report was released in January 2021, it grossly misrepresented the diversity of stakeholders who engaged in the stakeholder meetings:

“UMRBA and the Corps convened the riverine community in a commitment to providing a fair, objective, and inclusive forum for people, communities, and businesses in the Upper Mississippi River floodplain affected by floods, droughts, and sedimentation to learn from one another and seek opportunities to collaborate.”⁵

In response to strongly worded comments from myself and others, UMRBA edited the report by including the following statement in the subsequent April 2021 draft:

“Overall, there has been an ebb-and-flow of community engagement and localized grassroots organization in driving federal, state, and local action on the river. Often, this has not involved people who reside in disadvantaged or underserved communities. The challenges that they face have mostly been vocalized by governmental agency staff who work with those communities.”⁶

Instead of addressing the issue by taking action to address the obvious oversight – that communities of color were not engaged, the UMRBA appears to be doubling down on its decision to knowingly exclude communities of color from participating in this important dialogue.

The progression of my interaction with UMRBA on this topic has resulted in even more explicitly racist responses from UMRBA staff, like the report language I mention above.

To clarify, the April 2021 draft Keys to the River Report statement is racist because it presumes that the predominantly white state agency staff are fully aware of the needs of communities of color. This is patently false. There is a mountain of studies that document the failings of state and federal agencies to adequately serve communities of color. When taken in context of the early quip from [b] (6) Privacy, (b) (7)(C) Endangered Species UMRBA Executive Director that “those people aren’t our constituents,” it shows a remarkable insensitivity to the needs of Black, Indigenous, Latinx, and people of color who live and work along the Mississippi River.

Also, it establishes an intentionality of UMRBA’s actions. The statement makes it clear that only feedback from white communities were considered valid. It presumes that “disadvantaged and

⁴ https://www.americanrivers.org/wp-content/uploads/2020/04/American-Rivers_Most-Endangered-Rivers-2020-report_WEB-3.pdf

⁵ <https://american-rivers.sharefile.com/d-sf4d99acd96a14c61a6a0a25d961b5c19> and <https://american-rivers.sharefile.com/d-sb6coe515788d480498f595ca6ee53aa4>

⁶ <https://american-rivers.sharefile.com/d-s6234fa8ba873454983ee4772ee0429e6>

underserved communities” are either not qualified to represent themselves or are uninterested in solving public health and safety issues in their communities.

In addition to this blatantly racist language in the draft Keys to the River Report, UMRBA Executive Director, [REDACTED] also improperly requested [REDACTED] National Caucus of Environmental Legislators (NCEL), to work with UMRBA on their equity issues. She even announced the partnership prematurely at a public meeting. NCEL is not a racial equity consulting service. [REDACTED] request is illogical until you consider the fact that [REDACTED] is a Black woman. UMRBA did not even offer to compensate [REDACTED] or NCEL for the proposed work. Obviously, NCEL declined [REDACTED] “offer.”⁷

When I vocalized concerns about UMRBA’s actions as an organization and the actions of their staff during the UMRBA May 25, 2021 meeting – during a time appointed for comments on the Keys to the River Report - UMRBA’s Chair [REDACTED] of the Missouri Department of Natural Resources, responded that he took personal offense to the accusation that UMRBA and its staff were racist and angrily told me that I needed to “stop” leveraging a “misunderstanding” to accuse people of being racist. [REDACTED] of Minnesota Department of Transportation thanked [REDACTED] in the chat.⁸ When I sarcastically pointed out that being accused of racism is certainly worse than actual racism, the Chair abruptly closed the meeting 30 minutes early.

The additional display of white fragility by the UMRBA Board Chair [REDACTED] and MNDOT Staff [REDACTED] is racist because their behavior and repeses deflects from the actual problem: racism. It is wholly inappropriate for agency staff to conduct themselves with such open hostility when constituents raise the need to address issues in communities of color.

It is vitally important that the openly racist language and actions by the UMRBA be brought under control. They are funded through state and federal dues and grants. They have the power to speak on behalf of the Governors of the five states. Their Board is made up exclusively of state agency staff. These factors give them power to affect management decisions along the Mississippi River that impact all people who live and work along the Mississippi River.

There are many studies that show flooding disproportionately impacts communities of color. Therefore, it is inappropriate for UMRBA to conduct any type of flood study without consulting these communities. And to continue to do so after the failing was pointed out to them is explicitly racist.

These actions violate Title VI of the Civil Rights Act of 1964 that prohibits discrimination by programs and activities that receive federal funds. Therefore, UMRBA’s eligibility for federal funding should be examined and revoked if action is not taken to bring more diverse stakeholders to the table.

State agency staff – who make up the UMRBA board – must also be questioned to understand the full extent of state agency endorsement of such openly racist behavior. Actions should also be taken to remove or reprimand any staff who support UMRBA’s

⁷ <https://american-rivers.sharefile.com/d-sed9fcd7004bf4e4ea104c372680eef45>

⁸ <https://american-rivers.sharefile.com/d-see053f74488547b5a6881f8e77aaa8c6>

actions and state agencies must evaluate whether UMRBA's actions render them ineligible for further taxpayer funded support.

Also applicable:

(740 ILCS 23/) Illinois Civil Rights Act of 2003. "No unit of State, county, or local government in Illinois shall exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity on the grounds of that person's race, color, national origin, or gender..."

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